IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA:

CWP.No.534/2004.

Judgment Reserved on 20.4.2007.

Date of Decision : 7.5.2007.

Amar Singh. …Petitioner.

Versus:

Union of India and others. …Respondents.

Coram:

The Hon'ble Mr.Justice Sanjay Karol, Judge.

Whether approved for reporting?[1]

For the petitioner: Mr.Shrawan Dogra, Advocate.

For Respondents. Mr.Ashwani Pathak, Central Govt.Counsel.

Sanjay Karol,J .

The petitioner was selected as Sepoy at Army Recruitment Centre, Shimla in October, 1964. He was given basic weapon training for nine months and was sent for three months course known as "Catering Course" under "Army Supply Corps" at Meerut. While undergoing the training after about 20 days, petitioner experienced acute pain in his stomach and was operated in emergency as there was rupture of intestine inside the stomach which required removal. Proper medical treatment was given to the petitioner and while undertaking treatment of military hospital at Bareily, the petitioner was examined by the Medical Board to

[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

assess his disability. At Lucknow, his place of posting, he was discharged from the Army on 20th September, 1966 on medical grounds with a service of 334 days. The petitioner's claim for disability pension under the Army Pension Regulations Rules,1961 (hereinafter referred to as `the Rules') was rejected by the authorities on 2nd February, 1967. Petitioner is stated to have made various representations in terms of Anneuxre:P-2/3. However, vide written communications dated 4th July, 1988 and 11th August, 1988, he was requested not to make further communications as the matter stood closed. The writ petition has been filed on 4th July, 2004 claiming disability pension and the Rules.

From the perusal of the record including the reply filed by the respondents, it is clear that the disease is constitutional and disability is neither attributable nor aggravated by military service. I see no reason to differ with the opinion of the Medical Board. The petitioner has been diagnosed for disease "REGIONAL ILEITS (518)" and recommended category "EEE". Since the matter has been decided on merits, the issue with regard to delay and laches has not been considered at all.

For the foregoing reasons, the writ petition is dismissed with no order as to costs.

(Sanjay Karol),
Judge.

May 7 , 2007(R)